

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FAFARD REAL ESTATE &
DEVELOPMENT CORP.

Plaintiff,

vs.

METRO-BOSTON BROADCASTING,
INC.,

Defendant.

NO. 04-11531-RGS

FILED
IN CLERKS OFFICE
2005 FEB 11 A 11:48
U.S. DISTRICT COURT
DISTRICT OF MASS.

**PLANTIFF'S NOTICE OF WITHDRAWAL OF MOTION IN LIMINE
REGARDING EVIDENCE OF ATTORNEYS' FEES AS DAMAGES**

Plaintiff Fafard Real Estate & Development Corp. ("Fafard") respectfully withdraws its Motion in limine to exclude evidence of attorneys' fees as damages on the counterclaims filed by Defendant Metro-Boston Broadcasting, Inc.

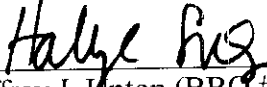
On Tuesday, February 8, 2005, the Court notified counsel the trial commencing on February 14, 2005, will address only Fafard's claim for specific performance (the equitable claim) and the Court will address Metro-Boston's counterclaims at a separate and subsequent trial. Accordingly, the motion in limine regarding evidence of damages on Metro-Boston's counterclaims is withdrawn as moot at this time.

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Respectfully submitted,

FAFARD REAL ESTATE &
DEVELOPMENT CORP.,

By its attorneys,



Jeffrey J. Upton (BBO #552221)
Halye A. Sugarman (BBO#646773)

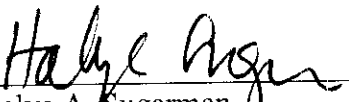
HANIFY & KING
Professional Corporation
One Beacon Street
Boston, MA 02108
(617) 423-0400

Dated: February 11, 2005
423101

CERTIFICATE OF SERVICE

I, Halye A. Sugarman, certify that on February 11, 2005, I served a copy of the foregoing
Notice of Withdrawal of Motion in Limine, by hand on:

Kenneth Berman
Nutter McClennan & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02110



Halye A. Sugarman